United Nations

S/PV.4077

Security Council

Fifty-fourth Year

Provisional

4077th Meeting

Friday, 3 December 1999, 5 p.m.

New York

President:	Sir Jeremy Greenstock	(United Kingdom of Great Britain and Northern Ireland)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Duval
	China	Mr. Qin Huasun
	France	Mr. Dejammet
	Gabon	Mr. Essonghe
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Gatilov
	Slovenia	Mr. Lenarčič
	United States of America	Mr. Burleigh

Agenda

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 6 of Security Council resolution 1242 (1999) (S/1999/1162 and Corr.1)

Letter dated 17 November 1999 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait (S/1999/1177)

99-86635 (E)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 5.15 p.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of December, I should like to take the opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Danilo Türk, Permanent Representative of Slovenia to the United Nations, for his service as President of the Security Council for the month of November 1999. I am sure I speak for all members of the Council in expressing our deep appreciation to Ambassador Türk for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 6 of Security Council resolution 1242 (1999) (S/1999/1162 and Corr.1)

Letter dated 17 November 1999 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait (S/1999/1177)

The President: The Security Council will now resume its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1999/1215, which contains the text of a draft resolution submitted by the United States of America.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/1999/1215) before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

Mr. Dejammet (France) (*spoke in French*): The draft resolution before the Council relates to the renewal of resolution 986 (1995), commonly known as the oil-for-food resolution. After 1997 that resolution was regularly renewed by the Council for six-month periods, until a recent decision to extend its provisions for 15 days, which proved impracticable.

The text before us would extend the provisions of the resolution for seven days. Such a short seven-day extension would make it technically impossible to sell oil and, therefore, fully to implement resolution 986 (1995). The minimum time required for processing contracts under the mechanism set up by the United Nations means that oil sales will not be able to take place. The draft resolution therefore seems to be drafted in such a way as to deliberately render incapable of realization the measure that it proposes.

It is true that we have been told that the issue is not about adopting a humanitarian text, but about using this vote for another purpose: to bring pressure to bear on the members of the Security Council with regard to another exercise and another resolution. The expected vote therefore has nothing to do with its theoretical purpose.

Is it conceivable that in the Security Council we should take a decision on a text that we know cannot be implemented in practice? Is it conceivable that we should take a decision on a text which owes its existence to considerations that are alien to its purpose? We do not believe so. That is why, given this exceptional and extremely unusual process, we see only one reasonable position to take: not to participate in the voting.

Mr. Hasmy (Malaysia): On 19 November 1999 my delegation supported and voted in favour of resolution 1275 (1999), authorizing a two-week extension of the oil-for-food programme for Iraq, on the clear understanding that there would not be any linkage between its adoption and the negotiations on the draft omnibus resolution on Iraq which is currently being discussed among the permanent members of the Council, with a view to its consideration by the full membership of the Council before its adoption.

We made our position very clear before the adoption of that resolution. Indeed, assurances were given at that time that there was no attempt to establish such a linkage and that the two exercises were independent of each other. We welcome these assurances, and in order to de-link the two processes, my delegation will repeat its earlier proposal, which is for you, Mr. President, to consider bringing the draft omnibus resolution forward

for the consideration of the full membership of the Council as soon as possible, so that the entire membership of the Council can evaluate the issue and make the appropriate assessment and recommendation to their respective Governments.

Regrettably, today we are asked to vote on another draft resolution extending the oil-for-food programme for one week. This clearly establishes a linkage and is apparent for all to see. The one-week time-frame is arbitrary and is based on three major, but not necessarily right, assumptions.

The first assumption is that the ongoing discussions on negotiations among the permanent members of the Council on the omnibus draft resolution on Iraq will lead to an agreement within a week. My delegation would, of course, warmly welcome such an outcome, for such a breakthrough would facilitate Council consideration of the omnibus draft resolution.

The second assumption is that once there is agreement among the permanent members of the Council the Council will immediately act on that draft resolution. My delegation cannot share that assumption. Inasmuch as we would welcome agreements among the permanent members on the omnibus draft resolution on Iraq, my delegation would need to convey that outcome to my Government for an in-depth consideration of it before determining Malaysia's final position on the matter. Such a process would obviously require a little time. That is only natural, as my delegation was not party to the protracted negotiations on the draft omnibus resolution.

One would expect a full and detailed consideration and negotiation of the draft resolution among all 15 members of the Council before action could be taken on it. If the permanent members took five months to hammer out an agreement among themselves, assuming they were able to do that, when there are just five of them, surely the non-permanent members — and there are ten of us — would expect the courtesy of being given some time to consider what is a very complex subject before offering our comments and proposals.

The third assumption is that once the Council reaches agreements on the omnibus draft resolution its implementation can be effected immediately. This is too optimistic a scenario, as there is necessarily a time lag or transition period, which may be long or short, between the adoption of a resolution and its implementation.

This is why my delegation considers a one-week extension of the oil-for-food programme as an arbitrary and artificial time-frame and a transparent attempt to stampede the process of reaching an agreement on the larger issues pertaining to Iraq that are being addressed in the so-called omnibus or comprehensive draft resolution. Its adoption would create uncertainty and unpredictability for the oil-for-food humanitarian programme for Iraq as well as technical problems of implementation.

As regards the omnibus draft resolution, my delegation firmly believes that it should be comprehensive, incorporating a sanctions-lifting plan as we strive to ensure that Iraq meets its remaining disarmament requirements. Reconciling the two is never an easy matter. Any consideration of the Iraq sanctions regime should not be artificially forced or hurried if we are to achieve the twin goals of alleviating the grave humanitarian situation in Iraq and ensuring Iraqi compliance with the requirements in respect of its alleged remaining weapons of mass destruction.

My delegation is in favour of a simple technical roll-over of the oil-for-food programme for the normal duration of six months. This extension carries no risk, and could be reconciled if the Security Council reaches a consensus any time during its implementation. A one-week extension, in our view, will not serve any practical purpose beyond giving the Office of the Iraq Programme breathing space to catch up with the backlog of applications and putting dubious pressure on some permanent members of the Council. It is technically difficult, if not practically impossible, to conclude contracts and lift oil within a short period of time. In the meantime, the programme will lose millions of dollars in oil revenue.

For these reasons, I regret that my delegation is not in a position to support the draft resolution before the Council. If it were not for the fact that the Council is dealing with the serious matter of the grave humanitarian situation in Iraq, my delegation would reject it. In these circumstances, however, it will abstain on the draft resolution.

The President: I now put to the vote the draft resolution contained in document S/1999/1215.

A vote was taken by show of hands.

In favour:

Argentina, Bahrain, Brazil, Canada, Gabon, Gambia, Namibia, Netherlands, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstaining:

China, Malaysia, Russian Federation

France did not participate in the voting.

The President: The result of the voting is as follows: 11 in favour, none against and 3 abstentions. One Council member did not participate in the voting. The draft resolution has been adopted as resolution 1280 (1999).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Burleigh (United States of America): The United States has a deep and enduring interest in the welfare of Iraqi citizens living under the regime of Saddam Hussein. We took a leading role in shaping the oil-for-food programme from its original conception shortly after the liberation of Kuwait in 1991. We note with satisfaction the documented success of this important humanitarian effort. Oil-for-food is the largest humanitarian assistance effort in United Nations history, and it has brought about a significant improvement in living conditions for the civilian population throughout Iraq.

As all of us know, normal United Nations operations are ongoing throughout Iraq. Despite the Iraqi Government's unjustified recent decision to curtail authorized oil production and exports, large quantities of humanitarian supplies continue arriving in the country on a daily basis. There has been no disruption of humanitarian assistance under the oil-for-food programme, and it is a matter of the utmost importance that the programme continue without disruption.

For that reason, we applaud the action the Council has taken today in acting to extend phase VI of the programme for seven days, through December 11. This resolution ensures that essential humanitarian assistance can continue while the Security Council prepares for adoption of a comprehensive resolution on Iraq next week. Adoption of that resolution, which includes many important provisions bearing on the oil-for-food programme, will clear the way for action on a full six-month extension of the programme a week from now. That resolution will represent the culmination of many months of work by the Council, and needs to be in place before we turn our attention to authorizing a full phase VII of oil-for-food.

We also commend the leadership of the Office of the Iraq Programme in managing the oil-for-food programme, especially in light of the obstacles recently erected by the Iraqi regime. We call upon the Government of Iraq to cease the cynical posturing we have seen over the past two weeks, to resume authorized oil production and exports without delay and to cooperate fully with the programme during the coming week and in the future.

In closing, I would recall that the oil-for-food programme, as established by the Council in resolution 986 (1995), is a temporary measure. It was never intended to usurp the primary responsibility for meeting civilian needs in Iraq, which continues to reside with the Government of that country. The United Nations has been compelled to take this temporary measure because of the blatant disregard which the Iraqi regime has demonstrated for the well-being of the Iraqi people. The United States will continue to support the uninterrupted continuation of this programme as long as it remains necessary for the international community to address urgent civilian needs which the Iraqi Government chooses to ignore.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): The Russian delegation has repeatedly emphasized that the very serious humanitarian situation in Iraq urgently dictates the need for the adoption of speedy measures to relieve the grave humanitarian situation of the Iraqi people. We must observe that the humanitarian operation in its current form is not in keeping with the broad-scale tasks it was called upon to carry out.

In Iraq the socio-economic infrastructure is continuing to crumble. Goods and equipment crucial to civilian life are not being delivered within the framework of the humanitarian programme. These problems are aggravated by the blocking of a significant number of contracts within the sanctions Committee.

In connection with the need for carrying out urgent measures to correct the situation, two weeks ago the

Russian Federation proposed the adoption of a draft resolution extending the United Nations humanitarian operations. The terms of that draft resolution reflected the recommendations of the Secretary-General and the conclusions of the humanitarian panel chaired by Ambassador Amorim regarding the improvement of the United Nations humanitarian programme. First and foremost, the draft resolution addressed the removal of the oil ceiling, an increase in quotas for delivery to Iraq of oil spare parts, a simplification of the procedure for reviewing contracts in the sanctions Committee, and a solution to the problem of air links with Baghdad. Unfortunately, our approach was not taken into account by a number of delegations.

We are compelled to observe that the resolution just adopted by the Security Council providing a one-week extension of phase VI of humanitarian operations is not in keeping with the current realities of the grave humanitarian situation in Iraq. The practical implementation of such an artificial decision is fraught with many obvious difficulties of a technical nature. These will lead to serious interruptions in the entire humanitarian operation. Bearing in mind the fact that the authors of the draft resolution did not find it possible to take into account even the simple, but extremely logical amendment proposed by France for a longer "technical" roll-over — which would have allowed the humanitarian programme to remain in operation — the Russian Federation was not able to support the resolution in its current form.

In this connection, we would like to state clearly that we in no way link consideration of priority humanitarian issues with continuing work on the comprehensive resolution on Iraq. We would like once again to emphasize that the decision adopted by the Council in no way establishes the timetable for concluding work on an omnibus resolution, and we do not assume any responsibilities in this regard. In order to find a way out of the Iraqi deadlock we need to reach agreement on the remaining serious problems, and this we are still lacking. Attempts to establish any kind of artificial time limits in this regard are totally inappropriate.

Mr. Duval (Canada) (*spoke in French*): Canada voted in favour of the resolution the Council has just adopted. We would have preferred to adopt a 180-day roll-over into phase VII. However, we are able to support this seven-day extension in order to allow an extra week for negotiations among the permanent members on a comprehensive resolution.

(spoke in English)

These temporary, technical roll-overs cannot continue indefinitely. Should one week prove insufficient, we hope that serious consideration will be given by all members to a 180-day roll-over the next time.

We urge the permanent members to use this extra week to achieve progress that will allow the comprehensive resolution to finally be brought back to the Security Council for consideration and action.

Mr. van Walsum (Netherlands): Under normal circumstances we, too, would have been glad to support a regular roll-over for a new phase of 180 days. However, we believe that the circumstances are not normal.

The Netherlands was a sponsor of one of the three draft resolutions that were informally submitted after the panel's exercise. At a certain point it was decided to entrust the issue to the five permanent members. We were able to accept this procedure because we felt that the permanent five members constituted the only institution that would be capable of hammering out a consensus. That was about half a year ago. Now the permanent five are under pressure from the elected members, and rightly so.

Given the circumstances, we believe that a one-week extension of phase VI maintains that pressure. A longer extension would, in our view, remove the pressure, and we are strongly in favour of maintaining this pressure because we hope that the permanent five members will interpret the signal correctly and bring the comprehensive resolution back to the Council before 11 December.

In this matter perhaps too much has already been said about the distinction between the permanent five and the elected ten, and I am reluctant to raise this issue once again. But I would like to point out that, in my view, an elected member could not afford not to take part in the vote on such an important issue as oil-for-food. We would never be able to explain such behaviour to the delegations that elected us.

Mr. Qin Huasun (China) (*spoke in Chinese*): Since its implementation, the temporary oil-for-food programme has played a considerable role in easing the humanitarian difficulties in Iraq. Meanwhile, it is undeniable that the programme also has shortcomings and

should continue to be supplemented or adjusted in a timely fashion in the light of prevailing realities.

We believe that the question of whether the oil-for-food programme should be extended for one week or six months depends above all on the humanitarian needs of the civilian population in Iraq. It also depends on how the programme might be more smoothly implemented. Further considerations should also be subject to this fundamental goal. Even though various parties may have differing political positions regarding the question of Iraq, the programme for meeting the basic humanitarian needs of Iraqi civilians should in no way be used as a tool for exerting political pressure.

The resolution just adopted by the Council, which provides for a one-week extension, obviously is not intended to meet the humanitarian needs of the Iraqi civilians. Nor does it help improve the efficiency and effectiveness of the programme. It is mainly intended to force the Council to adopt, as soon as possible, a new omnibus resolution on Iraq. Some members went so far as to indicate that they were supporting this resolution in order to exert pressure on the five permanent members to conclude their consultations on the omnibus resolution within a week. We are very surprised by this.

The Security Council deadlock on Iraq has lasted for almost a year without resolution and with long delays. China is also extremely dissatisfied and disappointed at this. However, to attribute this situation indiscriminately to the slow progress in the consultations among the five permanent members is inappropriate. The unilateral military strike against Iraq last December was the main reason the United Nations arms-verification programme in Iraq was suspended. This is a fact beyond dispute.

How can we break the deadlock as soon as possible? There is a Chinese saying to the effect that he who tied the knot should be the one to undo it. Those countries that launched the military strike should now show flexibility.

Like other members, China very much hopes to see an early completion of consultations among the permanent five and the adoption by the Council of a new resolution on Iraq as soon as possible. China has made and will continue to make positive efforts to this end. We should adopt a responsible attitude and try to elaborate a programme that will truly solve the problem. We cannot accept next week as the deadline for consultations of the permanent five or for the Council's discussions.

For these reasons, we believe that the resolution extending the oil-for-food programme for one week does not help to improve the humanitarian situation in Iraq or advance the consultations among the permanent five on the omnibus text on Iraq. From the outset, we have appealed to the parties to seek common ground, while reserving differences and avoiding confrontation, in devising a roll-over programme that best meets the needs of civilians in Iraq. Regrettably, China's hope and appeals have not received their due attention and response.

That is why China was compelled to abstain in the voting on the resolution.

Mr. Andjaba (Namibia): The humanitarian situation of the civilian population in Iraq as a result of the punishing sanctions has been of concern to my delegation since the day we entered the Security Council as a member. In our view, the oil-for-food programme, although limited in what it can achieve, therefore plays a major role in alleviating this plight. It is our view that everything should be done to ensure that it is not disrupted. On the other hand, we remain equally frustrated by the inability of the Council to address the Iraqi issue comprehensively. It was for this reason that the Council agreed that the permanent five should try to resolve the differences among themselves.

However, today I have to express our frustration that no clear resolve is yet available. Instead, it now appears that the continued existence of the oil-for-food programme is threatened by the very same political differences which created the impasse previously. We urge the permanent five to speed up their consultations so that the omnibus resolution may be brought back to the Council.

My delegation would have preferred a full six-month renewal of the oil-for-food programme. However, we voted in favour of the one-week extension in the hope that it will assist the Council in coming to a conclusion on the comprehensive resolution.

Mr. Dejammet (France) (*spoke in French*): One representative has explained that he did not understand how one could fail to take a position on such a resolution.

I feel that it is easy to understand in hearing the dilemma described by that representative in expressing his delegation's interest in humanitarian considerations

and in obtaining a six-month extension. At the same time, however, his delegation supports pressure being exerted by other members of the Council. Hence, his delegation faced a dilemma.

It is precisely in order to avoid such dilemmas, which give rise to unreasonable solutions, that I believe such a resolution should not have been put to the vote. I should like to point out that, in certain very rare cases, texts that we know will not be implemented and therefore do not enhance the Council's authority should not be put to the vote. We must know how not to take a stand so as not to participate in an exercise that, I might say, is materially unworkable.

Mr. van Walsum (Netherlands): I am sorry to take the floor again, but I wanted to point out that non-participation in the voting is extremely rare and that few non-permanent members have ever resorted to this extraordinary measure.

My Foreign Minister, in the General Assembly, suggested that it might be useful to start looking for a way in which permanent members might express their absolutely negative attitude without being obliged to cast a veto. I had simply hoped that we were seeing an example of this procedure, in which a permanent member said no without casting a veto. I was hoping that it was this new element that we saw introduced today.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 5.50 p.m.